

**P A T E N T****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/650,304  
Applicant : John M.K. Daniel et al.  
Filed : August 28, 2003  
TC/A.U. : 3731  
Examiner : Vi X. Nguyen  
Title : DISTAL PROTECTION DEVICE AND METHOD  
Docker No. : 1001.1351114  
Customer No. : 28075

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**RENEWED PETITION UNDER 37 CFR 1.137(b)**

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CERTIFICATE UNDER 37 C.F.R. 1.06(d). The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 571-273-8300, on this 10 day of

February, 2006

By \_\_\_\_\_



JoAnn Lindman

Dear Sir:

This is a request for reconsideration of the dismissal of applicants' Petition to Revive filed December 30, 2005. In the Communication from the Petitions Attorney, dated January 17, 2006, dismissing applicants' Petition, the Petitions Attorney indicated that applicants' Petition included all the required elements, except for the required reply.

Accompanying this Communication is a copy of the continuation application filed December 21, 2005 in response to the Office Action dated June 21, 2005. This continuation has now been assigned Serial No.11/314,775. Applicants respectfully submit that the continuation application satisfies the requirement for a reply in accordance with MPEP §711.03(c)II.A.2.(b)(D).

Page 1 of 2

Reconsideration of applicants' Petition is respectfully requested.

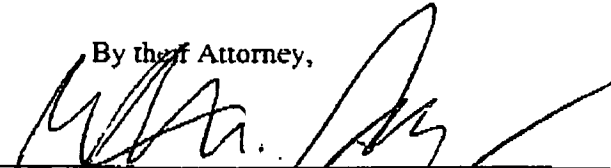
Respectfully submitted,

JOHN M.K. DANIEL ET AL.

By their Attorney,

Date:

Feb. 10, 2006



Glenn M. Seager, Reg No. 36,926  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Tel: (612) 677-9050

PTO/SB/05 (09-04)

Approved for use through 07/31/2008 OMB 0651-0032

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL		Attorney Docket No	1001 1351116
		First Inventor	John M.K. Daniel
		Title	Distal Protection Device and Method
		Express Mail Label No	EV426646693US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents</i>	ADDRESS TO Commissioner for Patents P O Box 1450 Alexandria VA 22313-1450																												
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages <u>48</u>] Both the claims and abstract must start on a new page. (For information on the preferred arrangement, see MPEP 608.01(a))</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>16</u>]</p> <p>5. Oath or Declaration [Total Sheets <u>3</u>] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> A copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(a)</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) <input type="checkbox"/> Landscape Table on CD</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a - c are required) a. <input type="checkbox"/> Computer Readable Form (CRF) b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies</p>	<p><b>ACCOMPANYING APPLICATION PARTS</b></p> <p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s)) Name of Assignee _____</p> <p>10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input checked="" type="checkbox"/> Power of Attorney</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (PTO/SB/08 or PTO-1449) <input type="checkbox"/> Copies of citations attached</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent</p> <p>17. <input type="checkbox"/> Other _____</p>																												
<p>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76</p> <p><input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No. .... 10/650,304</p> <p>Prior application information Examiner <u>nguyen, v l x</u> Art Unit <u>3731</u></p>																													
<p><b>19. CORRESPONDENCE ADDRESS</b></p> <p><input checked="" type="checkbox"/> The address associated with Customer Number <u>28075</u> OR <input type="checkbox"/> Correspondence address below</p> <table border="1"><tr><td>Name</td><td colspan="3">CROMPTON, SEAGER &amp; TUFTE LLC</td></tr><tr><td>Address</td><td colspan="3">1221 Nicollet Avenue, Suite 800</td></tr><tr><td>City</td><td>Minneapolis</td><td>State</td><td>MN</td></tr><tr><td>Country</td><td></td><td>Telephone</td><td>612-671-9050</td></tr><tr><td></td><td></td><td>Fax</td><td>612-359-9349</td></tr><tr><td>Signature</td><td colspan="2">Date</td><td>December 21, 2005</td></tr><tr><td>Name (Print/Type)</td><td>Glenn M. Seager</td><td>Registration No (Attorney/Agent)</td><td>36,926</td></tr></table>		Name	CROMPTON, SEAGER & TUFTE LLC			Address	1221 Nicollet Avenue, Suite 800			City	Minneapolis	State	MN	Country		Telephone	612-671-9050			Fax	612-359-9349	Signature	Date		December 21, 2005	Name (Print/Type)	Glenn M. Seager	Registration No (Attorney/Agent)	36,926
Name	CROMPTON, SEAGER & TUFTE LLC																												
Address	1221 Nicollet Avenue, Suite 800																												
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This collection of information is required by 37 CFR 1.53(p). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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This will acknowledge receipt of Utility Patent Application Transmittal, Fee Transmittal (2), copy of prior patent application including 48 pages of specification, 16 sheets of drawings, copy of Declaration, 3.73(b) Statement, Power of Attorney, a check in the amount of \$1,200 and Postcard Receipt, with respect to the following

Date of Deposit: December 21, 2005

Applicant: John M. K. Daniel et al.

Serial No.: NEW APPLICATION

Filing Date: December 21, 2005

Docket No.: 1001 1351116

For: DISTAL PROTECTION DEVICE AND METHOD

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Serial No : NEW APPLICATION  
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